

1 KAREN P. HEWITT
United States Attorney
2 AARON B. CLARK
Assistant United States Attorney
3 California State Bar No. 239764
United States Attorney's Office
4 880 Front Street, Room 6293
San Diego, California 92101-8893
5 Telephone: (619) 557-6787

6 Attorneys for Plaintiff
United States of America

7 UNITED STATES DISTRICT COURT
8
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. 08CR0298WQH
11)
Plaintiff,)
12)
v.) MOTION TO DISMISS INDICTMENT
13) WITHOUT PREJUDICE
14 DELFINO BENITO-GUTIERREZ (2),)
Defendant.)
_____)

15 COMES NOW the United States Attorney, Karen P. Hewitt, and Assistant United States
16 Attorney, Aaron B. Clark, and hereby moves this Court to dismiss, without prejudice, the indictment
17 as to defendant DELFINO BENITO-GUTIERREZ ("Defendant") in the above captioned case.

18 On February 6, 2008, the grand jury returned an indictment charging Defendant with three
19 counts of Transportation of Illegal Aliens and Aiding and Abetting, in violation of Title 8, United
20 States Code, Sections 1324(a)(1)(A)(ii) and (v)(II). On February 7, 2008, Defendant entered a "not
21 guilty" plea before this Court. In the interest of justice, the United States moves to dismiss, without
22 prejudice, the Indictment as to Defendant DELFINO BENITO-GUTIERREZ .

23 DATE: April 30, 2008

24 Respectfully submitted,

25 KAREN P. HEWITT
United States Attorney

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27 s/Aaron B. Clark
AARON B. CLARK
Assistant United States Attorney
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